



**Planning Department**

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Zoning Board of Appeals  
**From:** Kristen Guichard, AICP, Assistant Town Planner *KG*  
**Subject:** Special Permit #16-05, 178 Great Road

**Date:** June 2, 2016  
**updated June 3, 2016**

ZBL S. 8.3.3 – Horizontal Extension within Nonconforming Front and Side Setback

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**Map/Parcel:** F4-10

**Petitioner:** Dmitry Bykhovsky

**Owner:** Vanash Interiors, Inc.

**Existing Nonconforming side setback:** 12.7 feet

**Existing Nonconforming front setback:** 14.9 feet

**Zoning:** Limited Business (LB)

**Hearing Date:** June 6, 2016

**Decision Due:** September 4, 2016

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Mr. Dmitry Bykhovsky requests a Special Permit under Zoning Bylaw (ZBL) section 8.3.3 to allow the extension of an existing building within the dimension of its nonconforming setback. The building in question at 178 Great Road is the gambrel office building located to the front of the property along Great Road. The applicant proposes to raze the building in the rear of the property to accommodate the proposed building redesign and extension. Alpha Cars is an existing “fine foreign” auto sales and service business currently location in Boxborough. They are looking to expand by opening another store in Acton.

- The applicant proposes a horizontal extension of the building along the southern property line and eastern property line along Great Road within the dimensions of the existing nonconforming side and front setback. The extension requires a Board of Appeals special permit under ZBL, section 8.3.3.
- The proposed horizontal extension along the southern property line extends +/- 85 feet towards the back of the lot; the proposed horizontal extension along the eastern property line abutting Great Road extends +/- 20 feet.
- The Applicant met with the Design Review Board on Wednesday June 1, 2016. As a result of this meeting the Applicant is currently working on redesigning the front façade of the building. The Planning Department expects to receive a revised site plan and renderings prior to the public hearing.

- A revised site plan was submitted on June 3, 2016. The revised site plan proposes the following changes:
  1. The existing building setbacks along the southerly property line and properly line along Great Road (or easterly property line) will be increased by removing a portion of the building. This brings the existing building closer to compliance, although it is still non-conforming. The new setbacks are as follows: 18.73 feet along the easterly property line, and 14.77 feet along the southerly property line.
  2. The revised plan shows an extension within the new non-conforming setbacks. The alignment of the building runs parallel to Great Road and is designed to be similar to that of their Boxborough facility.
  3. Parking has been reduced. According to the architect, the total net floor area is 4,199 square feet which requires 7 parking spaces under the minimum parking schedule of the ZBL. (one space per 600 square feet)
- The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.3.3. If the special permit is granted, the decision should include findings, conditions and limitations as follows:
  - a. Section 10.3.6 grants the Board the authority to impose certain conditions. Section 10.3.6.9 allows for the Board to require a sidewalk along the entire frontage of the lot. Often, applicants offer a donation to the Acton Sidewalk Fund in lieu of constructing one on site when the location is not conducive. In this particular case there is no connecting sidewalk on either abutting property but a sidewalk does exist on the opposite side of the street. The Board may consider the following condition:  
*Prior to issuance of a building permit, the Applicant shall construct a sidewalk along the street frontage of the property*  
 OR, if the applicant offers,  
*Prior to issuance of a building permit, the Applicant shall to make a payment to the Acton Sidewalk Fund in lieu of the required sidewalk the amount of \$6,400 (according to the established contribution calculation of \$50/linear feet of frontage).*
  - b. That the Petitioner must record the decision at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the site.
  - c. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before the issuance of a building permit.
  - d. That the special permit conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
  - e. That the Town of Acton may elect to enforce compliance with the special permit using any and all powers available to it under the law.
  - i. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.

- j. That the Board reserves its right and power to modify or amend the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.